

REFERENCE TITLE: photo radar; defensive driving school

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2071

Introduced by
Representatives Biggs: Burges

AN ACT

AMENDING SECTION 28-3392, ARIZONA REVISED STATUTES; RELATING TO DEFENSIVE DRIVING SCHOOL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-3392, Arizona Revised Statutes, is amended to
3 read:

4 28-3392. Defensive driving school; eligibility

5 A. A court:

6 1. Shall allow an individual who FAILS TO RESPOND TO A NOTICE OF
7 VIOLATION OR A CIVIL TRAFFIC VIOLATION CITATION ISSUED PURSUANT TO SECTION
8 41-1722, WHO CONTESTS RESPONSIBILITY FOR THE VIOLATION DETECTED PURSUANT TO
9 SECTION 41-1722 OR WHO is issued a citation for a civil traffic moving
10 violation pursuant to chapter 3, articles 2, 3, 4 and 6 through 15 of this
11 title or a local civil traffic ordinance relating to the same subject matter
12 to attend a defensive driving school for the purposes provided in this
13 article.

14 2. Except as prescribed in subsection C of this section, may allow an
15 individual who is issued a citation for a violation of section 28-701.02 to
16 attend a defensive driving school.

17 B. A person who attends a defensive driving school pursuant to this
18 article is not eligible to attend a defensive driving school again within
19 twenty-four months from the day of the last violation for which the person
20 was authorized by this article to attend a defensive driving school.

21 C. Notwithstanding subsection A of this section:

22 1. An individual who commits a civil or criminal traffic violation
23 resulting in death or serious physical injury is not eligible to attend a
24 defensive driving school, except that the court may order the individual to
25 attend a defensive driving school in addition to another sentence imposed by
26 the court on an adjudication or admission of the traffic violation.

27 2. If a commercial driver license holder is found guilty or
28 responsible for a moving violation, the court may require the violator to
29 attend defensive driving school as an element of sentence, but may not
30 dismiss the conviction or finding of responsibility and shall report the
31 conviction or finding of responsibility to the department as prescribed in
32 section 28-1559. A commercial driver license holder is not eligible for the
33 defensive driving diversion program.